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PATENT-APPEAL
Case No.: 7780/16 (P-00303)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:)	
)	
RODNEY E. NORWOOD)	Examiner: Green, Christy Marie
)	
Serial No.: 10/005,391)	
)	Group Art Unit: 3635
Filed: DECEMBER 5, 2001)	
)	
Title: MOBILE CELLULAR)	
TELEPHONE TOWER)	

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Sir:

This is an appeal from the third rejection of claims 1 and 3-20 in the Office Action
mailed September 22, 2004.

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REAL PARTY IN INTEREST

The real party in interest is SBC Knowledge Ventures.

RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

This application was filed December 5, 2001 with claims 1-20. Claims 1 and 3-20 as amended (reproduced in the Claims Appendix) are the subject of the present appeal.

STATUS OF AMENDMENTS

There are no unentered amendments.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention is a mobile cellular telephone tower comprising a self-propelled base 12, a tower 14 and a winch 50 connected to the base. The tower includes a base segment 29 and at least a first extendable segment 27 operatively connected to a second extendable segment 20. A first cable 52 is connected between the base segment 29 and the first extendable segment 27 to extend the first extendable segment. A second cable 92 is

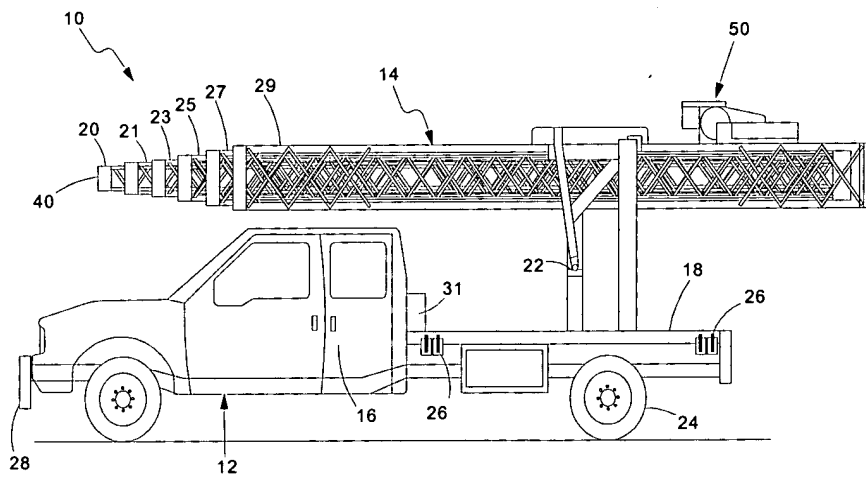


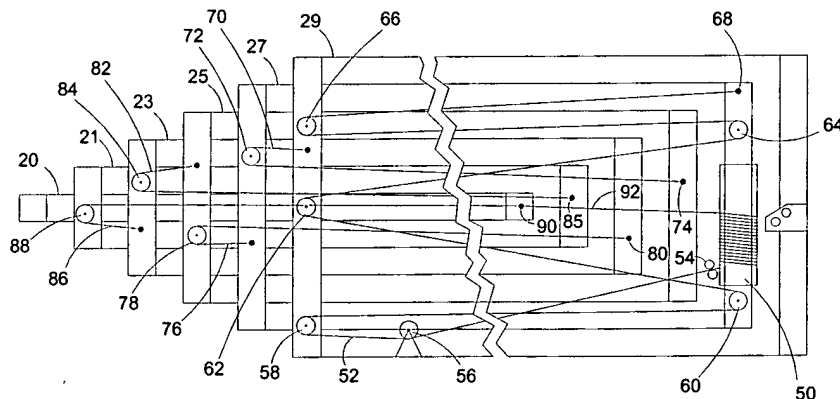
FIG. 1

connected between the winch and the second extendable segment 20 to retract the second extendable segment:

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether the drawings were properly objected to under 37 CFR 1.83(a) as failing to show a first cable.

2. Whether the specification was properly objected to as failing to provide proper antecedent basis for a first cable.



3. Whether the claims were properly rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,537,125 to Harrell in view of U.S. Patent No. 5,168,679 to Featherstone and further in view of U.S. Patent No. 5,394,162 to Korovesis.

GROUPING OF CLAIMS

Claims 1, 13 and 20 are the independent claims involved in the appeal. The dependent claims stand or fall with their respective independent claim.

ARGUMENT

1. The Drawings Show A First Cable

The drawings were objected to as failing to show a first cable. The first cable 52 is clearly shown in Figure 3.

2. The Specification Has Antecedent Basis For The First Cable

The specification was objected to as failing to provide proper antecedent basis for a first cable. In fact, the specification refers to the cable 52 as the “main” cable. This disagreement of adjectives is not an acceptable reason to object to the specification.

3. The References Do Not Show All Elements Of The Claims

All of the claims (including canceled claim 2) were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,537,125 to Harrell in view of U.S. Patent No. 5,168,679 to Featherstone and further in view of U.S. Patent No. 5,394,162 to Korovesis.

Even assuming that this proposed combination is proper, each of independent claims 1, 13 and 20 recites that the winch is connected to both the first and second cables. When the applicant noted that the winch 46 of Harrell '125 is not connected to both first and second cables, the Examiner took the position that "the features upon which applicant relies (i.e. the winch is not connected to both first and second cables [in Harrell '125] are not recited in the rejected claim(s) [sic]." Office Action mailed September 22, 2004 at page 6.

This position is clear error. Therefore the rejection should be reversed.

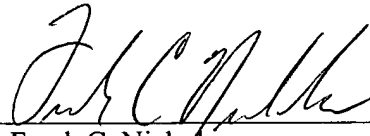
SUMMARY

The objections to the drawings and to the specifications, as well as the rejection of claims 1 and 3-20, should be reversed.

Dated: **February 23, 2005**

Respectfully submitted,
RODNEY E. NORWOOD

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CLAIMS APPENDIX

1. A mobile cellular telephone tower comprising:
 - a self-propelled base;
 - a tower connected to the base, the tower including a base segment and at least a first extendable segment operatively connected to a second extendable segment;
 - a winch connected to the base;
 - a first cable connected between the base segment and the first extendable segment to extend the first extendable segment;
 - a second cable connected between the winch and the second extendable segment to retract the second extendable segment; and
 - cellular telephone network testing equipment mounted on the tower;
 - the winch being connected to the first cable.
3. The mobile cellular telephone tower of claim 1 wherein the first cable is connected to the second cable.
4. The mobile cellular telephone tower of claim 1 wherein the first extendable segment is nestable within the base segment.
5. The mobile cellular telephone tower of claim 1 wherein the second extendable segment is nestable within the first extendable segment.
6. The mobile cellular telephone tower of claim 1 wherein the tower is movable between a stowed position and an operating position.
7. The mobile cellular telephone tower of claim 6 further comprising a hydraulic motor for moving the tower between the stowed position and the operating position.
8. The mobile cellular telephone tower of claim 6 wherein the tower in the stowed position is oriented generally horizontally.

9. The mobile cellular telephone tower of claim 6 wherein the tower in the operating position is oriented generally vertically.
10. The mobile cellular telephone tower of claim 1 further comprising at least one outrigger connected to the self-propelled base.
11. The mobile cellular telephone tower of claim 10 wherein the at least one outrigger is hydraulically actuated.
12. The mobile cellular telephone tower of claim 1 further comprising a generator mounted on the self-propelled base.
13. A mobile cellular telephone tower comprising:
 - a self-propelled base;
 - a tower connected to the base, the tower including a base segment and at least a first extendable segment operatively connected to a second extendable segment;
 - a first cable connected between the base segment and the first extendable segment;
 - an electric winch connected to the first cable to extend the first extendable segment, and connected to a second cable to retract the second extendable segment; and
 - cellular telephone network testing equipment mounted on the tower.
14. The mobile cellular telephone tower of claim 13 wherein the winch is connected to the base segment.
15. The mobile cellular telephone tower of claim 13 wherein the first cable is connected to the second cable.
16. The mobile cellular telephone tower of claim 13 wherein the first extendable segment is nestable within the base segment, and the second extendable segment is nestable within the first extendable segment.

17. The mobile cellular telephone tower of claim 13 wherein the tower is movable between a generally horizontal stowed position and a generally vertical operating position.
18. The mobile cellular telephone tower of claim 17 further comprising a hydraulic motor for moving the tower between the stowed position and the operating position.
19. The mobile cellular telephone tower of claim 13 further comprising at least one outrigger connected to the self-propelled base.
20. A mobile cellular telephone tower comprising:
 - a self-propelled base;
 - a tower connected to the base, the tower including nestable base, first, and second extendable segments operatively connected to each other;
 - a first cable connected between the base segment and the first extendable segment;
 - an electric winch mounted on the base segment, the winch being connected to the first cable to extend the first extendable segment relative to the base, and being connected to a second cable to retract the second extendable segment relative to the base segment;
 - cellular telephone network testing equipment mounted on the tower; and
 - a motor for moving the tower between a generally horizontal stowed position and a generally vertical operating position.

Evidence appendix

None.

Related proceedings appendix

None.